



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: G. NOWAK et al.

Examiner: SANDRA E. SAUCIER

Serial No.: 09/890,654

Group Art Unit: 1651

Filed: November 5, 2001

Title: METHOD FOR DETERMINING THE CONCENTRATION OF THROMBIN INHIBITORS

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REPLY

APR 10 2003

Assistant Commissioner for Patents  
Washington, D.C. 20231

TECH CENTER 1600/2000

Sir:

In response to the office action dated March 11, 2003, applicants elect, with traverse, Group II (claims 9-12) drawn to a first composition and a kit.

It is respectfully submitted that the subject matter of the claims does have unity of invention. For example, Group II is drawn to a kit that contains, e.g., the components for carrying out the method of Group I. Further, the claims of Groups I and II are disclosed as having common utilities (e.g., for determining the concentration of thrombin inhibitors in a body liquid). Nothing more is required. See *In re Harnisch*, 206 USPQ 300 (CCPA 1980). Therefore, at the very least, Groups I and II should be examined together. Furthermore, the Examiner has not established that a search of Groups I-III would present a serious burden. Absent a serious burden of examination, restriction is not proper. See M.P.E.P. §803. Thus, the requirement should be withdrawn.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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Date: April 9, 2003